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THE PROPERTY

STANDARDS

BY-LAW

74-74

CITY OF HAMILTON



**THE CORPORATION
OF
THE CITY OF HAMILTON
INFORMATION PERTAINING TO THE PROPERTY
STANDARDS BY-LAW
BY-LAW NUMBER 74-74**

**The Property Standards By-law is
administered and enforced by the
Department of Community Development**

**For further information call 527-0241,
Local 401.**

**This pamphlet is prepared for
purposes of your convenience
only and for accurate reference
recourse should be had to the
By-laws and to The Planning Act.**

May 1974

THE PROPERTY STANDARDS BY-LAW 74-74

FOREWORD

The City of Hamilton has existing By-laws which regulate construction, safety of buildings and structures, use of land and buildings, fire safety and health. These By-laws are for the protection of all citizens.

The Minimum Standards By-law was passed in 1969 and provided additional regulations to govern the need for repairs or maintenance of existing residential properties with particular reference to structural stability, health, safety and general upgrading of the existing housing stock in designated Urban Renewal Scheme areas in Hamilton.

The Property Standards By-law 74-74 replaces the Minimum Standards By-law and regulates the maintenance and occupancy of all property including residential, commercial, institutional and industrial properties in every part of the City.

Enforcement of the By-law forms a very essential part of the City-wide Neighbourhood Improvement Programmes being implemented by the City through the Department of Community Development.

Property officers are permitted under the legislation to inspect any property at all reasonable times upon producing proper identification.

Section 36 of The Planning Act, a copy of which is included in this document, provides for appeals to Orders served on persons whose property does not conform with the by-law. The reader is referred to sub-sections (17), (18) and (19) of Section 36 of The Planning Act for details.

This By-law is designed to implement the policy of The Planning Act, to prevent undue deterioration of property in the community, and to encourage the development and maintenance of all properties in order to provide a pleasant environment for living, working, shopping and recreation for all citizens.

THE PLANNING ACT

R.S.O. 1970

CHAPTER 349

SECTION 36

AS AMENDED

Interpre- tation

36-(1) In this section,

- (a) "committee" means a property standards committee established under this section;
- (b) "occupant" means any person or persons over the age of eighteen years in possession of the property;
- (c) "officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (e) "property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

Adoption of policy statement

- (2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

Standards of
maintenance
and
occupancy

- (3) If,
- (a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or
 - (b) the council of a municipality has adopted a policy statement as mentioned in subsection 2,

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- (d) for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

- (4) When a by-law under this section is in effect an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry into
dwelling
place

- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of The Summary Convictions Act.

Notice
of
violation

- (6) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may at the same time provide all occupants with a copy of such notice.

Contents
of
order

- (7) After affording any person served with a notice provided for by subsection 6 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

Order to
be sent to
last known
address

- (8) A notice or an order under subsection 6 or 7, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted
service

- (9) If the officer is unable to effect service under subsection 6 or 7, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration
of order

- (10) An order under subsection 7 may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 7 and when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

Property
standards
committee

- (11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Member and
employees of
municipality,
etc. not
eligible

- (12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

Chairman

- (13) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman pro tempore and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Remuneration

- (14) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents etc.

- (15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of The Municipal Act applies mutatis mutandis to such documents.

Quorum and procedure

- (16) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 18 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Appeal to committee

- (17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision on appeal

- (18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to judge

- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under section 18 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;

- (b) the appointment shall be served in the manner prescribed, and
- (c) the judge on such appeal has the same powers and functions as the committee.

Effect
of
decisions

- (20) The order, as deemed to have been confirmed pursuant to subsection 17, or as confirmed or modified by the committee pursuant to subsection 18, or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair
or demolish

- (21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,
 - (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

Certificate
of
compliance

- (22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection 3, and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

Enforce-
ment

- (23) A by-law passed under the authority of this section may impose a penalty of not more than \$500 upon an owner for each day that he is in contravention of an order that is final and binding.

12. This Act comes into force on the day it receives Royal Assent.

13. This Act may be cited as The Planning Amendment Act 1972.

Assented to on 30 June 1972.

POLICY STATEMENT
FOR THE
OFFICIAL PLAN AMENDMENT
AMENDMENT 282
BY-LAW NO 73-200

The Corporation of the City of Hamilton

BY-LAW NO. 73- 200

To Adopt:

Official Plan Amendment No. 282

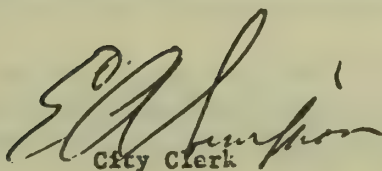
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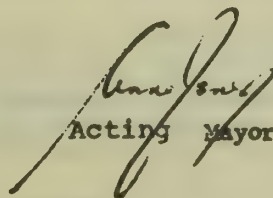
Property Standards

The Council of The Corporation of the City of Hamilton enacts
as follows:

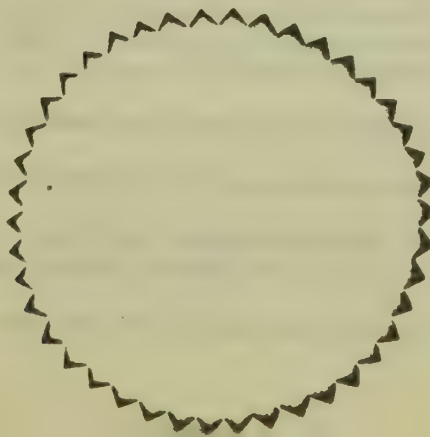
1. Amendment No. 282 of the Official Plan of the City of Hamilton Planning Area, consisting of the text hereto annexed as Schedule A, is hereby adopted.
2. The Secretary-Treasurer of the Hamilton Planning Board is hereby authorized and directed to make application to the Minister of Treasury, Economics and Intergovernmental Affairs for approval of the aforementioned Amendment No. 282 to the Official Plan of the Hamilton Planning Area.

PASSED this 26th day of June A.D. 1973.


City Clerk


Acting Mayor

(1972) 20 R.P.B. 4, November 14



SCHEDULE "A" TO BY-LAW NO. 73- 200

AMENDMENT NO. 282 to the Official Plan for the Hamilton Planning Area

The following Text constitutes Amendment No. 282

PURPOSE

To modify the policy with respect to the control of Housing Standards, adopted as Amendment No. 250 to the Official Plan for the Hamilton Planning Area, to become a policy with respect to the control of Property Conditions, pursuant to The Planning Amendment Act, 1972 of the Province of Ontario,

BASIS

Official Plan Amendment No. 250 for the Hamilton Planning Area, approved by the Minister of Municipal Affairs on December 5, 1968, established a policy with respect to the condition of residential properties only, pursuant to the then provisions of Section 30a of the Planning Act (RSO 1960). On the basis of this Amendment, the City of Hamilton passed Municipal By-law 69-99, known as the "Minimum Standards By-law", prescribing standards for the maintenance of residential properties within the designated Urban Renewal Areas in the City.

Having successfully experimented with the implementation of the said By-law in the North End Urban Renewal Area, and having also recently created a new Community Development Department with administrative resources sufficient to oversee the application of such a By-law over the entire City, the City is now preparing to extend the defined areas of application of this Minimum Standards By-law to cover the entire Hamilton Planning Area, which with regard to residential areas is still within the policy guidelines set out in Amendment No. 250, and which in fact was registered as an ultimate intent in the text of the Basis to that Amendment.

It is the concern of the City, however, that the Property Standards By-law be applicable not just to residential properties, but rather to all properties. It is considered to be equally important to the City to ensure against the physical deterioration of industrial and commercial districts, as well as residential ones. It is also particularly important to set and control the standards of maintenance on non-residential properties which are adjacent to or contained within residential areas, if residential standards are expected to be maintained.

The Planning Amendment Act, 1972 amended the Planning Act to permit municipal regulation of the maintenance and occupancy of all properties, provided an appropriate policy is adopted under the Official Plan. It is upon the basis of this revised legislation that the City of Hamilton proposes in this Official Plan Amendment to modify the policy statement previously set forth in Amendment No. 250 to include all property types as being subject to a maintenance by-law.

ACTUAL CHANGE

That the policy with respect to the control of Housing Standards be modified to become a policy with respect to the control of Property Conditions, and be reworded as follows:

It shall be the continuing policy of the City of Hamilton to encourage the development and maintenance of an efficient and pleasant environment for living, working and the pursuit of all other activities. In order to achieve this it shall be the City's policy to develop programmes designed to,

- (a) maintain existing sound development,
- (b) improve the quality of development that has deteriorated,
- (c) replace development that has declined to the point where it cannot be satisfactorily and economically rehabilitated,
- (d) control the quality of new development.

In furtherance of this policy, the City proposes to:

1. Endeavour to maintain and improve the condition of all properties through enforcement of its existing Zoning, Building and Health By-laws throughout the planning area. The City of Hamilton has had since 1937 Building and Health By-laws, which were enacted pursuant to special legislation and which apply to property of all kinds. These By-laws contain standards for new construction and permit the authorized official to require by his notice or order that existing buildings be improved so as to eliminate health hazards, risks of accident and unsafe conditions as regards to danger from fire.
2. Enact a by-law pursuant to Section 36(3) of the Planning Act (which will be hereinafter referred to as the Property Standards By-law) setting forth Property Standards for the maintenance and occupancy of all property within the planning area, and for prohibiting the use of any property that does not conform to the standards, and for requiring property below the standards prescribed in the By-law to be repaired and maintained to comply with those standards or the land to be cleared of all buildings or structures and left in a graded and levelled condition.
3. Of its own initiative, and complementary to the enforcement of Property Standards on private properties, undertake to keep in a fit and well-maintained condition all publicly owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewage facilities, etc.
4. Endeavour to raise the standards of new development, both intrinsically and in relation to the immediate environment, through the strengthening and wider application of Development Control policies.

IMPLEMENTATION

Pursuant to Section 36(3) of the Planning Act, and in accordance with the policy set out in this Amendment, the Council may pass a By-law:

- (a) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- (b) for requiring property below the standards prescribed in the by-law to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

THE PROPERTY STANDARDS

BY-LAW 74-74

The Corporation of the City of Hamilton

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THE CORPORATION OF THE CITY OF HAMILTON

By-Law No. 74 - 74

To prescribe standards for the maintenance and occupancy of property.

WHEREAS section 7 of The Planning Amendment Act, 1972 repealed section 36 of The Planning Act R.S.O. 1970, Chapter 349 and substituted therefor a new section 36;

AND WHEREAS pursuant to the provisions of the said section 36 as amended the Council of the Corporation of the City of Hamilton did on the 26th day of June 1973 by By-law Number 73-200 adopt Official Plan Amendment Number 282 being a policy statement containing provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the City of Hamilton is empowered by the said section 36 as amended to pass a by-law for, inter alia, prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared;

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

Short Title

1. This by-law may be cited as The Property Standards By-law.

Interpretation

2. In this by-law,
 - (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yard around a building;
 - (b) "building" means a combination of materials to form a construction that is adapted or readily capable of being adapted to permanent or continuous occupancy for residential, commercial, institutional, or industrial uses, but shall not be deemed to include a structure;
 - (c) "building by-law" means The City of Hamilton Building By-law being By-law 4797, a by-law to Regulate the Erection of Buildings and Structures and Provide for the Safety of Buildings, Structures and Premises, and any by-law enacted pursuant to the authority given by the provisions of section 38 of The Planning Act R.S.O. 1970, Chapter 349;
 - (d) "cellar" means any room in a building which is located so that more than one half of its height is below the level of the ground adjacent to its exterior walls;
 - (e) "City" means The Corporation of the City of Hamilton;
 - (f) "committee" means The Property Standards Committee established under this By-law;

- (g) "dwelling" means a building or structure, with or without kitchen facilities, or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be, or would be intended to be used for such purposes, except for its state of disrepair;
- (h) "dwelling unit" means one or more rooms located within a building used or intended to be used for human habitation by one or more persons;
- (i) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, or any combination thereof, and which complies with the provisions of section 21 of this by-law;
- (j) "health by-law" means The City of Hamilton Health By-law being By-law 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any by-law passed pursuant to the authority given by the provisions of section 38 of The Planning Act, R.S.O. 1970, Chapter 349, and any regulation or by-law prescribed or authorized by the provisions of The Public Health Act, R.S.O. 1970, Chapter 377;
- (k) "medical officer of health" means The Medical Officer of Health for the Hamilton-Wentworth Health Unit;
- (l) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a wash-room, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of the dwelling for public use and for access to and vertical travel between storeys;
- (m) "occupant" means any person or persons over the age of 18 years in possession of the property;
- (n) "officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law;
- (o) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (p) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections thereon, whether heretofore or hereafter erected, and includes vacant property;
- (q) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law;

- (r) "residential property" means any property that is used or is capable of being used as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment;
- (s) "sewage system" means the City's system of storm sewers, sanitary sewers, and combined sewers, or a private sewage disposal system approved by the Medical Officer of Health;
- (t) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law;
- (u) "structure" means a combination of materials to form a construction or fixed erection which is not adapted to permanent or continuous occupancy, and shall include a tent, reviewing stand, platform, staging, wall, retaining wall, radio or television antenna supporting structure, shed, coal or garbage bin, fence, sign, and every other construction or fixed erection not a building;
- (v) "yard" means the land not occupied by any building or structure around and appurtenant to the whole or any part of a building and used or capable of being used in connection therewith.

General Duties and Obligations

- 3. (1) No person shall
 - (a) use,
 - (b) permit the use of,
 - (c) rent, or
 - (d) offer to rentany property that does not conform to the standards.
- (2) The owner of any property shall either
 - (a) repair and maintain the property in accordance with the standards, or
 - (b) remove or demolish the whole or the offending part of any property that is not in accordance with the standards.
- (3) Where an officer has placed or caused the placing of a placard containing the terms of a notice or order upon any premises under the authority of section 36 of The Planning Act R.S.O. 1970, Chapter 349 as amended, no person shall remove such placard except with the consent of the officer.

PART I

PROPERTY STANDARDS

Exterior Structure

- 4. (1) In every building the exterior walls shall be sound, plumb, and tight.
- (2) Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

- (3) (a) Every building shall have a sound and tight roof, adequate to carry the loads imposed thereon.
- (b) The roof of every building shall be maintained in a watertight condition so as to prevent leakage of water into the building.
- (c) The roofs of all buildings intended for human occupation shall be equipped with suitable drains or eavestroughs and rain water leaders or conductors, which shall be connected to a sewage system, except that where the absence of such drains, eavestroughs, rain water leaders, conductors or connections does not create a risk of damage to the building or structure or a risk of accident to the occupants and general public, the same shall not be required.
- (4) Every chimney, smoke pipe, and flue of a building shall be maintained so as to prevent any gases from leaking into the building.
- (5) All exterior exposed surfaces of a building shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration.
- (6) Windows, exterior doors, and cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building, and every window, sash, and door shall open and close freely if same is required for ventilation or as an exit.

Interior Structure

- 5. (1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building By-law and shall be sound, plumb, and adequate to carry the loads imposed on them.
- (2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subject.
- (3) Every cellar shall have a concrete or other floor, acceptable to the City under the provisions of the Building By-law, for purposes of water drainage and to guard against the entry of vermin.
- (4) Every cellar floor shall be adequately drained and slopes must not exceed 1 inch in 6 feet.
- (5) (a) Interior walls shall be finished so as to provide a surface which is reasonably smooth, clean, tight, and easily cleaned.
- (b) Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose plaster, or other material which is in such a condition that it may collapse, or which would permit flame or excessive heat to enter any concealed space.
- (6) Every floor in a building, except as hereinafter provided, shall be maintained so as to be reasonably level and smooth, and free of loose, warped, protruding, broken, or rotted material.

- (7) All floor coverings shall be maintained in clean and hazard-free condition and any floor covering which by reason of its dilapidated or deteriorated condition retains dirt or is hazardous shall be cleaned, repaired, or replaced.
- (8) The floor, and the walls to the height of 3 feet above the floor or bathtub of every bathroom, shower room, and toilet room shall be so maintained as to be water resistant and readily cleaned.
- (9) Where an aperture such as window-sash, skylight, or louvre is to be used for ventilation, such aperture shall be maintained in proper working condition.

Stairs and Ramps

- 6. (1) Every stairway containing three risers or more and every ramp rising over 1 foot 6 inches in height shall be equipped with a safe, sturdy handrail and the open side of every stairway or set of stairs containing three risers or more and the open side or sides of every ramp, balcony, platform, verandah, or landing over 1 foot 6 inches above the level of the adjacent ground, shall be equipped with a safe, sturdy handrail and balustrade.
- (2) An inside or outside stair and any porch, balcony, platform, verandah, or landing appurtenant to it and any ramp shall be maintained so as to be free from holes, cracks, and other defects which may constitute possible accident hazards, and all treads, risers, or decking that show excessive wear or are broken, warped, or loose, and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Washrooms and Bathrooms

- 7. (1) Washroom, bathroom, and other sanitary conveniences shall be provided for every building or structure having a human occupancy, in accordance with the Health By-law and the Building By-law, for each class of occupancy.
- (2) All rooms containing a bathtub, shower, or water-closet shall be fully enclosed, equipped with a door capable of being closed or a screen to secure privacy, and shall be located within, and shall be accessible from within, the dwelling or floor area served.
- (3) Where water-closets are required by this by-law, there shall be a wash basin in the same room as the water-closet or in an adjoining room, other than a kitchen.
- (4) No water-closet or urinal shall be located in a room that is used for the preparation, cooking, storing, or consumption of food, or for sleeping purposes.

Plumbing, Drains, and Sanitary Facilities

- 8. (1) Where required by any Act, Regulation, or By-law that sanitary facilities be provided in a building, every such building shall be provided with an adequate supply of potable running water from the mains of the City or from a source approved by the Medical Officer of Health.

- (2) Every required sink, wash basin, bathtub, or shower in a building shall have an adequate supply of hot and cold running water, and every water-closet shall have an adequate supply of running water.
- (3) Each plumbing fixture shall be connected to the building drain through a water seal trap. Every building shall have all drain, waste, and vent piping, and all plumbing fixtures connected to a sewage system.
- (4) All plumbing, including every drain pipe, water pipe, water-closet, and plumbing fixture in a building, and the building drain and building sewer, shall be maintained in good working order, free from leaks and defects, and shall be protected from freezing.

Ventilation

9. (1) Every building in human occupancy shall be ventilated by natural or artificial means in compliance with the provisions of the Health By-law or any other Act or Regulation controlling the use and occupancy of such building.
- (2) Except as otherwise provided herein, every cellar, unheated crawl space, and insulated roof space shall be vented to the outside air by means of openings comprised of either a screened window or windows which can be opened, or by a screened louvre or louvres. The area of such opening where only one is employed, and the total area of such openings where more than one is employed, shall not be less than 1 per cent of the floor area for a cellar, nor less than 1 square foot per 500 square feet of floor area for a crawl space and 1 square foot per 300 square feet for an insulated roof space.
- (3) An opening for natural ventilation may be omitted from the cellar, unheated crawl space or roof space where a system of mechanical ventilation has been provided which changes the air once each hour.
- (4) Every bathroom or shower room and every room containing a water-closet or urinal shall be provided with either a window of at least 1 square foot per water-closet, capable of being opened for ventilation, or mechanical ventilation, as prescribed by the Health By-law.

Lighting

10. Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space, and such lighting equipment shall be capable of illuminating to average levels of at least 5 foot-candles at floor level all corridors, stairways, and ramps, and at all points such as angles and intersections, and at changes of level in such corridors, stairways, and ramps.

Electrical Service

11. (1) Fuses or overload devices shall not exceed limits set by the regulations enacted pursuant to The Power Commission Act R.S.O. 1970, Chapter 354 and amendments thereto.

- (2) Extension cords are not permitted on a permanent basis.
- (3) The electrical wiring and all electrical fixtures located or used in a building shall be installed in conformity with the regulations enacted pursuant to The Power Commission Act R.S.O. 1970, Chapter 354 and amendments thereto.
- (4) The electrical wiring, circuits, fuses, circuit-breakers, and electrical equipment in a building shall be maintained at all times
 - (a) in compliance with the regulations enacted pursuant to The Power Commission Act R.S.O. 1970, Chapter 354 and amendments thereto,
 - (b) in good repair and working order, and
 - (c) free from fire and accident hazards.

Heating Equipment

- 12. (1) Every building, except a building or a part of a building which is used for refrigerated storage, which is occupied by human beings, shall be provided with heating facilities of sufficient capacity to maintain the desirable indoor air temperature commensurate with the use of the building when the temperature outside the building is 0 degrees Fahrenheit.
- (2) Every fuel burning appliance shall be connected and used in accordance with the provisions of The Energy Act R.S.O. 1970, Chapter 27 and amendments thereto and the regulations made thereunder.
- (3) A space that contains a heating unit shall have natural or mechanical means of supplying the required air for combustion, and adequate chimneys or vents for the discharge of combustion gases to the exterior of the building.
- (4) The heating system shall be maintained in good condition so as to be capable of heating the building safely to the required standards.
- (5) All heating equipment, including chimneys and vents, shall be maintained and used safely and in accordance with the provisions of The Energy Act R.S.O. 1970, Chapter 27 and amendments thereto and the regulations made thereunder.

Vermin Control

- 13. (1) Every property shall be maintained so as to be free from vermin at all times, and methods used for exterminating vermin shall be in accordance with the provisions of The Pesticide Act R.S.O. 1970, Chapter 293 and amendments thereto and all regulations made thereunder.
- (2) Any opening in a cellar, crawl space, or roof space used or intended to be used for ventilation, and any other opening in a cellar, crawl space, or roof space which might admit vermin, shall be screened with wire mesh or other such material in order to effectively exclude vermin.

Drainage

14. (1) Every property shall be graded and drained in order to prevent ponding or the entry of water into a building.
- (2) Sewage shall be discharged only through the building drain and building sewer into a sewage system.
- (3) Roof drainage shall be discharged through a building drain or an exterior conductor to a building sewer into a sewage system.

Walks and Driveways

15. (1) A walk shall be provided from the principal entrance of every building to a public street, or to a driveway affording access to a public street.
- (2) Every walk, driveway, and parking space shall be surfaced with stone, asphalt, concrete, or other material capable of providing a hazard-free, hard surface and shall be maintained in good condition.

Animals

16. Domestic animals and pets shall be kept only in accordance with the applicable City by-law.

Garbage

17. Every property shall be provided with sufficient receptacles to contain all garbage, rubbish, and ashes, which receptacles shall be
 - (a) of watertight construction,
 - (b) capable of being tightly closed,
 - (c) maintained in a clean condition, and
 - (d) made available for regular emptying or collecting by the forces of the City or others in accordance with the provisions of By-law 66-182 and amendments thereto.

Signs

18. Signs shall be maintained in good repair and in a safe manner in accordance with the provisions of the Building By-law.

Yards, Parking Lots, and Vacant Property

19. (1) Every yard, parking lot, and vacant property shall be kept free of litter, debris, salvage, refuse, and physical hazards, except a business property which is operated under the provisions of the Licence By-laws of the City of Hamilton, namely By-laws 10467-10468 and 66-289 and amendments thereto, in which case such yards shall be maintained in keeping with the Licence issued.

- (2) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of The Weed Control Act R.S.O. 1970, Chapter 493 and amendments thereto and the regulations made thereunder.
- (3) No machinery, vehicle, or parts thereof which are in a wrecked, discarded, dismantled, partially dismantled, or abandoned condition, shall be stored or allowed to remain in the yard of any building or on any vacant property except as provided for in subsection (1) of this section.
- (4) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a solid line fence and materials or matter of any kind stored or located in such yards shall not be piled within 3 feet of such fence, unless such fence is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- (5) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property suitable fences, hedges, or screening where such property is used for the parking of vehicles by tenants, employees, or customers, when used for the operation of equipment, when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

Accessory Buildings, Structures, and Fences

20. (1) Every accessory building, structure, or fence and every part thereof shall be of material acceptable to the City under the provisions of the Building By-law.
- (2) Every accessory building, structure, or fence shall be kept in good condition and repair, and every part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject.
- (3) All exterior exposed surfaces of accessory buildings or structures shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration.

PART II

ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

Habitable Rooms

21. (1) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.

- (2) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.
- (3) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

Non-Habitable Rooms

22. A non-habitable room shall not be used as a habitable room.

Kitchen Facilities

23. Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling and every dwelling unit shall be provided with each of the following:
 - (a) a kitchen sink with splash back which is water and grease resistant;
 - (b) a work surface at least 4 feet long and 22 inches wide;
 - (c) kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet; and
 - (d) a space sufficient to accommodate a cooking range or a countertop cooking unit.

Lighting

24. Every habitable room adjacent to an exterior wall, except a kitchen, shall be provided with such sources of natural light equal in area to 10 per cent of the floor area of the room.

Ventilation

25. (1) Unheated roof spaces and crawl spaces which are insulated, and cellars, shall be provided with openings to the outside air by screened louvres, vents, or other means, to minimize dampness. Uninsulated roof spaces and crawl spaces shall be provided with openings for ventilation and the said openings may be provided with closures.
- (2) Every habitable room shall be ventilated by means of suitable apertures in the walls or the roof thereof equal in area to not less than 3 square feet, or by such other means as shall be in accordance with the provisions of the Health By-law.
- (3) Every bathroom or shower room and every room containing a water-closet or urinal shall be ventilated by a window of at least 1 square foot capable of being opened, or by means of mechanical ventilation in accordance with the provisions of the Health By-law.

Heating Facilities

26. (1) Every residential building shall be equipped with heating facilities capable of maintaining an average room temperature of 72 degrees Fahrenheit, 5 feet above floor level and at a distance of 3 feet and more from exterior walls in the rooms occupied by persons, and in any room containing a bathtub, shower, or water-closet, when the temperature outside the building is 0 degrees Fahrenheit.
- (2) In a dwelling containing more than 3 dwelling units, the central heating system, if the dwelling is so equipped, shall be located in accordance with the provisions of the Building By-law.
- (3) No open flame type of heating appliance shall be installed or used in a room used or intended to be used for sleeping accommodation.

Plumbing and Plumbing Facilities

27. (1) Every dwelling and every dwelling unit, except as otherwise provided in subsection (2) of this section, shall be provided with at least the following:
- (a) a water-closet;
 - (b) a wash basin; and
 - (c) a bathtub or shower.
- (2) The occupants of 2 dwelling units may share a toilet, wash basin, bathtub, or shower provided that
- (a) the 2 dwelling units are occupied by a total of not more than 8 persons, and
 - (b) access thereto can be had without going through rooms of another dwelling unit or outside the dwelling.

Electrical System

28. (1) Every dwelling which is wired for electricity shall have available an adequate supply of electrical power at all times in all parts of the dwelling.
- (2) The capacity of the connection to the dwelling and the system of circuits distributing the electrical supply within the dwelling, shall be adequate for the use and intended use in the dwelling and shall be in compliance with the regulations enacted pursuant to The Power Commission Act R.S.O. 1970, Chapter 354 and amendments thereto.
- (3) Subject to subsection (4) of this section, every habitable room in a dwelling shall have at least 1 electrical duplex convenience outlet in good working order
- (a) for the first 120 square feet or less of floor area, and
 - (b) for each additional 100 square feet or less of floor area.

- (4) A kitchen in a dwelling shall have at least 1 electrical split convenience outlet on an individual 3-wire grounded circuit in good working order, unless there is an existing duplex outlet on an individual grounded circuit in good working order.
- (5) Every laundry area in a dwelling shall have at least 1 electrical duplex convenience outlet on an individual grounded circuit in good working order.
- (6) An electrical light fixture shall be permanently installed and maintained in good working order in every toilet room, bathroom, shower room, kitchen, kitchenette, cooking space, laundry room, furnace room, cellar, hall, and stairway, in a dwelling.

Maximum Dwelling Occupancy

- 29. The number of occupants in a dwelling or a dwelling unit shall not exceed 1 person for every 80 square feet of floor area of habitable rooms other than kitchens. Children, up to and including those 8 years of age, shall be counted as half a person each for computing the number of occupants in a dwelling unit.

PART III

APPLICATION

- 30. Part I applies to all property in the municipality of the City of Hamilton.
- 31. In addition to the provisions of Part I, the provisions of Part II apply to residential property in the municipality of the City of Hamilton.

PART IV

ADMINISTRATION AND ENFORCEMENT

Officers

- 32. The administration and enforcement of this By-law is the responsibility of the Property Standards Officer of the City of Hamilton who shall be appointed by the Council of the Corporation of the City of Hamilton, together with such assistants as Council may provide.

Property Standards Committee

- 33. (1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby established.

- (2) The Property Standards Committee for the City of Hamilton shall consist of 3 ratepayers of the City to be appointed by Council for terms of 1, 2 and 3 years initially and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

Note: Subsections 17, 18 and 19 of Section 36 of The Planning Act, R.S.O. 1970, Chapter 349 as amended provide for appeals from orders made under this By-law to the Property Standards Committee and to a Judge of the County Court.

Certificate of Compliance

34. Upon the issuance of a certificate of compliance at the request of an owner a fee is payable in accordance with the following:

- (a) a fee of \$5.00 for a residential property containing 3 or fewer dwelling units;
- (b) a fee of \$2.00 per dwelling unit for any residential property containing more than 3 dwelling units; and
- (c) for any commercial, industrial, or institutional property:
 - (i) a fee of \$10.00 for any building having a gross floor area of 20,000 square feet or less;
 - (ii) a fee of \$25.00 for any building having a gross floor area between 20,001 square feet and 50,000 square feet; and,
 - (iii) a fee of \$25.00 plus \$10.00 for each additional 50,000 square feet for a building in excess of 50,001 square feet.

Note: The issuance of a certificate of compliance herein does not relieve the recipient from compliance with the requirements of other applicable by-laws, regulations and statutes and it does not constitute an occupancy permit under the Building By-law.

Penalties

35. (1) Except as hereinafter provided, every person who contravenes any of the provisions of this by-law or of section 36 of The Planning Act R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.00, exclusive of costs.
- (2) Every owner who contravenes an order that is final and binding and which has been made pursuant to the terms of this by-law and of section 36 of The Planning Act R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.00 for each day that he is in contravention of such order.

Power of Corporation to Repair or Demolish

36. If the owner or occupant of property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies,
 - (a) shall have the right to repair or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;

- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this section; and
- (c) shall have a lien for any amount expended by or on behalf of the City under the authority of this section together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the City as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in the same manner as municipal realty taxes.

Note: Subsections 4, 5, and 7(b) of Section 36 of The Planning Act R.S.O. 1970, Chapter 349 as amended contain provisions relating to the right of entry to property.

Conflicts

37. Wherever a standard established by this by-law is different from a standard in relation to the same matter established by any other item of legislation in force in the City of Hamilton, the standard which provides the higher degree of protection for the health, safety, and welfare of the occupants and of the general public, shall prevail.

Repeal

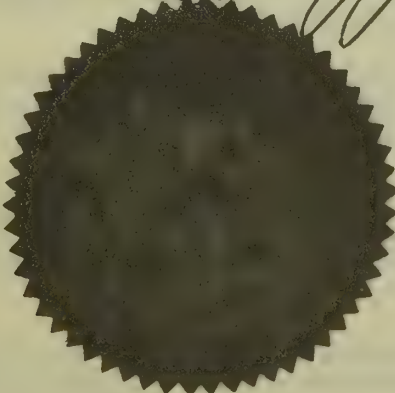
38. By-law No. 69-99 passed by the Council of the Corporation of the City of Hamilton on the 29th day of April, A.D. 1969 is hereby repealed.

READ A FIRST TIME on the 30th day of October, 1973

READ A SECOND AND THIRD TIME AND FINALLY PASSED on the 30th day of April, A.D. 1974.

E. A. Simpson
City Clerk.

Victor H. Capps
Mayor



REHABILITATION AND FINANCING THE COST OF REPAIRS

You may be eligible for financial assistance through the Community Development Department for the purpose of rehabilitating residential property in accordance with The Property Standards By-law.

A. Procedure to Determine Eligibility for Loans or Grants

1. Phone the Department of Community Development at 527-0241, Ext. 401 for details of financial programmes available.
2. Eligible owners may apply for financial assistance at the Department of Community Development, Room 178, City Hall, 8:45 a.m. to 4:30 p.m.

B. Procedure for Having Rehabilitation Work Completed

1. Eligible home owner's property will be thoroughly inspected and all work authorized for financial assistance will be listed in detail and sent to the owner.
2. Upon notification of the details of the amount of eligible financing an owner obtains and forwards to the City Hall, detailed estimates of cost from two reputable and qualified City licensed contractors.
3. When the loan is finally approved the owner will proceed to enter into a contract to have the authorized work done.
4. Requests for inspection and technical assistance during the period of rehabilitation can be made to the Chief Property Standards Officer, City Hall.
5. Inspections must be carried out, and approvals given, prior to funds being advanced to the owner for progress payments to the contractor.

DO'S AND DON'TS

FOR

SELECTING A CONTRACTOR

The most important step in the final upgrading of your property, aside from financing, is to be assured that the work will be well done, is promptly done and that the charges are reasonable.

Carefull reading of the following suggestions may help you to avoid needless worry and inconvenience before you go about engaging tradesmen or contractors to do the work.

DO NOT deal with persons at the door who claim to be representatives of the City Hall unless these persons can show you authorization that they are CIVIC EMPLOYEES. Our employees have identity cards with their picture and signature included thereon.

DO NOT deal with unknown door-to-door salesmen or tradesman who may endeavour to convince you that repairs are necessary or that some hazard exists on your property. If such persons persist in wanting you to hire them to do work on your property, report them to the Department of Community Development immediately noting the licence number of any motor vehicle they may be using.

DO NOT sign contracts requiring large down payments. If it is a large contract, ask advice from a knowledgeable friend or your family lawyer about performance of work, payments and guarantees on materials, equipment and workmanship.

DO get prices from more than one contractor and also references as to where they recently performed similar types of work. Check these references as to their satisfaction with the work performed.

DO ask the advice of the Department of Community Development before making final arrangements or commitments to improve your property.

DO require all contractors or tradesmen to show their credentials and their current City licence to perform the type of work being contracted for on your property.

DO call the City's Department of Buildings before starting any repairs or works of construction to determine whether or not a Building Permit is required.

DO call the Department of Community Development to inspect the work performed as a result of any NOTICE before final payment is made to the contractor.

DO check with your Better Business Bureau before signing contracts or engaging firms or workmen to carry out repairs to your property.

